

EXHIBIT B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSE CARLOS GRUBISICH,

Defendant.

No. 19 Cr. 102 (RJD)

PROPOSED ORDER

IT IS HEREBY ORDERED THAT:

1. Funds and assets in the amount of 33,460,800.00 Brazilian Reais (equivalent to \$8,000,000.00 at the January 20, 2020 closing exchange rate) held by the defendant, Jose Carlos Grubisich Filho, and by Katia Grubisich, Bruno Grubisich, and Bianca Grubisich (collectively, the “Quota Holders”) at BANCO SANTANDER (BRASIL) S/A (“Santander”) in the fund SANTANDER PB RIO VERDE MULTIMERCADO CRÉDITO PRIVADO FUNDO DE INVESTIMENTO - CNPJ: 24.270.467/0001-10 (CUSTODIAN: BANCO SANTANDER (BRASIL) S/A) (the “Restrained Assets”), are hereby RESTRAINED for purposes of bail, as set forth in the December 12, 2019 Order Setting Conditions of Release and Appearance Bond, issued by Magistrate Judge Steven M. Gold.
2. All persons, including the Quota Holders; their agents, employees, and attorneys; those persons in active concert or participation with them; and anyone holding an interest in the Restrained Assets, are hereby ENJOINED and RESTRAINED from transferring, selling, assigning, pledging, distributing, giving away, encumbering, or otherwise participating in the disposal of or removal from the account, without prior approval of this Court, the Restrained Assets.
3. Santander shall immediately seize and pay the Restrained Assets to a United States government account designated by this Court if this Court were to hold that Jose Carlos Grubisich Filho violated the conditions of his release on bail.

4. The terms of this Order shall remain in full force and effect until this Court, by written order, orders the restraint lifted.
5. The defendant shall be barred from raising any challenge in the Brazilian courts to any determination made by this Court that the conditions of bail have been violated, and from otherwise challenging this Order or any resulting Brazilian order enforcing this Order in the Brazilian courts.
6. If any party attempts to raise a challenge to the enforcement of this Order in the Brazilian courts, Mr. Grubisich's counsel shall promptly notify the United States Department of Justice.
7. This Order is issued without objection from the defendant and other Quota Holders.

SO ORDERED.

Dated: New York, New York
January __, 2020

HON. STEVEN M. GOLD
United States Magistrate Judge

EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSE CARLOS GRUBISICH,

Defendant.

No. 19 Cr. 102 (RJD)

PROPOSED ORDER

IT IS HEREBY ORDERED THAT:

1. Funds and assets in the amount of 50,191,200.00 Brazilian Reais (equivalent to \$12,000,000.00 at the January 20, 2020 closing exchange rate) held by the defendant, Jose Carlos Grubisich Filho, and by Katia Grubisich, Bruno Grubisich, and Bianca Grubisich (collectively, the “Quota Holders”) at BANCO CREDIT SUISSE HEDGING GRIFFO CORRETORA DE VALORES S/A (“Credit Suisse”) in the fund CSHG OLÍMPIA FIM CP IE - CNPJ: 16.906.391/0001-48 (CUSTODIAN: ITAÚ UNIBANCO S/A) (the “Restrained Assets”), are hereby RESTRAINED for purposes of bail, as set forth in the December 12, 2019 Order Setting Conditions of Release and Appearance Bond, issued by Magistrate Judge Steven M. Gold.
2. All persons, including the Quota Holders; their agents, employees, and attorneys; those persons in active concert or participation with them; and anyone holding an interest in the Restrained Assets, are hereby ENJOINED and RESTRAINED from transferring, selling, assigning, pledging, distributing, giving away, encumbering, or otherwise participating in the disposal of or removal from the account, without prior approval of this Court, the Restrained Assets.
3. Credit Suisse shall immediately seize and pay the Restrained Assets to a United States government account designated by this Court if this Court were to hold that Jose Carlos Grubisich Filho violated the conditions of his release on bail.
4. The terms of this Order shall remain in full force and effect until this Court, by written order, orders the restraint lifted.

5. The defendant shall be barred from raising any challenge in the Brazilian courts to any determination made by this Court that the conditions of bail have been violated, and from otherwise challenging this Order or any resulting Brazilian order enforcing this Order in the Brazilian courts.
6. If any party attempts to raise a challenge to the enforcement of this Order in the Brazilian courts, Mr. Grubisich's counsel shall promptly notify the United States Department of Justice.
7. This Order is issued without objection from the defendant and other Quota Holders.

SO ORDERED.

Dated: New York, New York
January __, 2020

HON. STEVEN M. GOLD
United States Magistrate Judge

EXHIBIT D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSE CARLOS GRUBISICH,

Defendant.

No. 19 Cr. 102 (RJD)

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE FROM THE BRAZILIAN
SUPERIOR COURT OF JUSTICE, FEDERAL DISTRICT OF BRASÍLIA**

TO THE SUPERIOR COURT OF JUSTICE, FEDERAL DISTRICT OF BRASÍLIA:

The United States District Court for the Eastern District of New York presents its compliments to the Superior Court of Justice, and requests international assistance to restrain assets for the purposes of bail in the above-captioned matter.¹

The Court requests the assistance described herein as necessary in the interests of justice.

BACKGROUND

On February 27, 2019, the defendant in this case, Jose Carlos Grubisich Filho, was criminally charged with (1) conspiracy to violate the anti-bribery provisions of the Foreign Corrupt Practices Act (“FCPA”), in violation of Title 18, United States Code, Sections 371 and 3551 *et seq.*; (2) conspiracy to violate the FCPA’s books and records provisions and failure to certify financial reports, also in violation of Title 18, United States Code, Sections 371 and 3551 *et seq.*; and (3) conspiracy to commit money laundering, in violation of Title 18, United State Code, Section 1956(h). The charging document (the “Indictment”) and arrest warrant were unsealed on November 20, 2019, the date of Mr. Grubisich’s arrest

¹ An official translation of this Request is attached as Exhibit A.

at John F. Kennedy International Airport in Queens, New York.² Mr. Grubisich, who is a Brazilian citizen, has been detained at a federal detention center in Brooklyn, New York since his arrest.

At a hearing on December 12, 2019, this Court held that Mr. Grubisich may be released on bail if certain conditions are met, including, as relevant here, imposition of a restraint on \$20,000,000.00 of assets held by Mr. Grubisich and members of his immediate family in investment accounts. On January __, 2020 this Court ordered (the “January Orders”) that portions of two funds shall be subject to the restraint: 33,460,800.00 Brazilian Reais held at BANCO SANTANDER (BRASIL) S/A (“Santander”) in the fund SANTANDER PB RIO VERDE MULTIMERCADO CRÉDITO PRIVADO FUNDO DE INVESTIMENTO - CNPJ: 24.270.467/0001-10 (CUSTODIAN: BANCO SANTANDER (BRASIL) S/A), and 50,191,200.00 Brazilian Reais held at BANCO CREDIT SUISSE HEDGING GRIFFO CORRETORA DE VALORES S/A (“Credit Suisse”) in the fund CSHG OLÍMPIA FIM CP IE - CNPJ: 16.906.391/0001-48 (CUSTODIAN: ITAÚ UNIBANCO S/A), for a total sum of 83,652,000.00 Brazilian Reais (the “Restrained Assets”), equivalent to a total sum of \$20,000,000.00 at the January 20, 2020 closing exchange rate.³ The purpose of the January Orders is to ensure that a substantial portion of Mr. Grubisich’s and his family’s assets can be immediately seized and paid to a United States government account designated by this Court if this Court were to hold that Mr. Grubisich violated the conditions of his release on bail, thereby deterring any violation(s) of bail conditions.

Specifically, the January Orders prohibit Mr. Grubisich, Katia Grubisich, Bruno Grubisich, Bianca Grubisich; any of their agents, employees, and attorneys; those persons in active concert or participation with them; and anyone holding an interest in the Restrained Assets, from transferring, selling, assigning, pledging, distributing, giving away, encumbering, or otherwise participating in the disposal of or removal from the two funds, without prior approval of this Court, the Restrained Assets.

² A copy of the Indictment is attached as Exhibit B.

³ Copies of the January Orders and official translations of the Orders are attached as Exhibits C-F.

Each of the January Orders provides that its terms shall remain in full force and effect until this Court, by written order, orders the restraint lifted.

REQUEST

This Court requests that the Superior Court of Justice (i) issue an order to ensure the enforceability of this Court's January Orders in Brazil, and (ii) make available to Mr. Grubisich's Brazilian counsel an official copy of any court order and/or other document(s) reflecting the Superior Court of Justice's response to this Request, so that counsel may convey such documents to Santander and Credit Suisse, and file them with this Court.⁴

REIMBURSEMENT FOR COSTS

Mr. Grubisich's counsel is willing to reimburse the Superior Court of Justice for costs and expenses incurred in executing this Letter Rogatory.

Dated: New York, New York, United States
January __, 2020

HON. STEVEN M. GOLD
United States Magistrate Judge

⁴ Mr. Grubisich is represented by the following Brazilian counsel:

Luiz Carlos Andrezani - OAB/SP 81.071 (Andrezani Advocacia Empresarial)
Hilda Akio Miazato Hattori - OAB/SP 111.356 (Andrezani Advocacia Empresarial)
Mirele Navero da Silva - OAB/SP 220.745 (Andrezani Advocacia Empresarial)
Luiz Antonio Bettiol - OAB/DF 6.558 (Advocacia Bettiol)
Ewerton Azevedo Mineiro - OAB/DF n° 15.317 (Advocacia Bettiol)